

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JANE DOE 1, *et al.*,

Plaintiffs,

v.

Civ. No. 04-1267 JP/RLP

BOARD OF EDUCATION, TAOS
MUNICIPAL SCHOOLS, a local
governing body of the State of New Mexico, *et al.*,

Defendants.

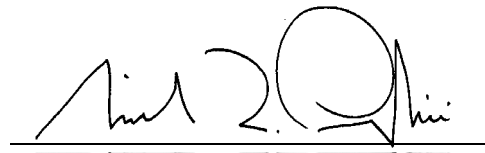
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the court on Defendants' Motion to Stay Discovery. The stay is requested because there is a pending motion to dismiss certain counts of the complaint based on qualified immunity. Plaintiffs oppose the stay.

A review of the docket indicates that pursuant to this court's May 10, 2005 Order [Doc. 25], discovery is set to end in ten (10) days, on August 25, 2005. Although ordinarily discovery may be stayed while such a motion is pending, *see Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985), that presumes that a motion to stay will be filed well before the end of discovery. Accordingly, the court declines to stay discovery for the remaining 10 days.

IT IS THEREFORE ORDERED that Defendants' Motion to Stay Discovery [Doc. 28] is denied.

IT IS SO ORDERED.


Richard L. Puglisi
United States Magistrate Judge